

Agency Report to the  
**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

This form must be completed by the department/agency that has the statutory authority for promulgating the rules. Please send an electronic copy of this form to the State Office of Administrative Hearings and Rules (SOAHR) at **soahr\_rules@michigan.gov**. The SOAHR will review the document, the newspaper advertisements, and the corresponding rules prior to completing the legal certification of the rules. Please be sure to send to the SOAHR proofs of publication for the three newspaper advertisements required by MCL 24.242(1). You may mail them or send them as a scanned attachment.

**Department**

State Police

**Division/agency/bureau:**

Michigan Commission on Law Enforcement Standards

**Rule set number (as assigned by SOAHR)**

2004-001 SP

**Title of rules:**

Law Enforcement Standards and Training

**1. Name, address, FAX and phone numbers of agency contact person:**

Dale Rothenberger, 7426 North Canal Road, Lansing, MI 517 322-6168, 517 322-6439 (Fax)

**2. Purpose for the proposed rules and background:**

The rule set entitled "Law Enforcement Standards and Training" provides revised and updated standards for the selection, employment, training, licensing, and revocation of law enforcement officers in Michigan.

Current rule sets R 28.4101 *et seq.* and R 28.4351 *et seq.* will be revised and consolidated into one rule set with seven parts. The content of rule set R 28.4301 *et seq.* will be collapsed into part three and R 28.4301 *et seq.* will be rescinded. The new 7 part rule set will be renumbered. This will eliminate duplication, provide continuity of regulation with respect to law enforcement standards and training, and accommodate revisions directed by the statute and Executive Order 2001-5.

The 1965 PA 203 rule sets were last revised in 1995, since then the Act was amended and the

Act and the Commission were the subject of an Executive Order. Public Act 237 of 1998, which revised the Act, renamed the Commission, added responsibilities with respect to certification, investigation, and de-certification, added a rule promulgation directive and changed the representation on the Commission, among numerous other revisions. Executive Order 2001-5 (E.R.O. 2001-2; MCL 28.621) again renamed the Commission, changed its composition, and merged it with the Michigan Justice Training Commission (1982 PA 302, as amended).

The revisions will reflect the amendments to the Act, the directives of the E.O., and changes to the policies and procedures of the Commission.

### **3. Summary of proposed rules:**

The rule set entitled “Law Enforcement Standards and Training” provides revised and updated standards for the selection, employment, training, licensing, and revocation of law enforcement officers in Michigan. The 7 parts are:

1. Definitions. Updates and consolidates definitions.
2. Selection and Employment Standards. Updates and consolidates law enforcement officer selection, employment and training standards.
3. Basic Recruit Law Enforcement Training Programs. **(Note: This part was removed from the current rule set and will modified and resubmitted under a separate Request for Rulemaking.)** Updates and consolidates 3 methods of obtaining law enforcement training leading to officer licensing.
4. Recognition of Prior Basic Law enforcement Training and Experience Updates the program for licensing of officers who were previously certified/licensed in Michigan or another state.
5. Licensing, Reporting, and Tracking. New, provides standards and requirements for the use of the Web-based information system used to track the training and employment of Michigan law enforcement officers and other records retention as required by 1998 PA 237.
6. Investigations and Revocations. New, provides standards and processes for investigation and revocation of officer licenses and other affected individuals and organizations as provided by 1998 PA 237.
7. Contested Case Hearings. Updates and consolidates contested case hearing procedures.

### **4. Name of newspapers and date of publication in newspapers (minimum 3 newspapers of general circulation, representing different parts of the state, one of which must be located in the Upper Peninsula):**

The Mining Journal, Marquette, Michigan - July 24, 2005  
The Oakland Press, Pontiac, Michigan – July 17, 2005  
The Grand Rapids Press, Grand Rapids, Michigan – July 17, 2005

**5. Time, date, location and duration of public hearing:**

August 9, 2005, 10:00 A.M. – 12:00 P.M. ( 2 hours) Lansing Community College – West Campus, Lansing.  
August 10, 2005, 10:00 A.M. – 12:00 P.M. ( 2 hours) Best Western Alpine Lodge, Gaylord.  
August 11, 2005, 10:00 A.M. – 12:00 P.M. ( 2 hours) Northern Michigan University – Jacobetti Building, Marquette.

**6. Date of publication of rules and public hearing notice in *Michigan Register*:**

Issue 12, July 15, 2005

**7. Agency representative(s) attending hearing (include agency name and title of representative[s]):**

Mr. Raymond W. Beach, Jr. Executive Director  
Mr. Dale Rothenberger, Manager  
Mr. John Buczek, Commission member, Lansing and Gaylord

**8. Names, organizations and (complete) addresses of persons attending the hearing:**

Ms. Norene Lind, SOAHR, 611 West Ottawa, 2<sup>nd</sup> Floor, Lansing, Michigan 48909 (Lansing)  
Captain Jeff Mincheff, Northern Michigan University Department of Public Safety, 1401 Presque Isle, Marquette, Michigan (Marquette)  
Lt. Michael Bath, Northern Michigan University Department of Public Safety, 1401 Presque Isle, Marquette, Michigan (Marquette)  
Director Ken Chant, Northern Michigan University Department of Public Safety, 1401 Presque Isle, Marquette, Michigan (Marquette)  
Chief Phil Siegert, Marquette Police Department, 300 West Baraga, Marquette, Michigan (Marquette)  
Sheriff Gary L. Maddox, Schoolcraft County Sheriff's Office, 300 Main Street, Manistique, Michigan (Marquette)

**9. Persons submitting letters, comments and testimony of support:**

Lt. Michael Bath, Northern Michigan University Department of Public Safety, Marquette, Michigan – testimony.

**10. Persons submitting letters, comments and testimony of opposition:**

Sheriff Michael J. Bouchard, Oakland County Sheriff's Office, Pontiac, Michigan – letter.

**11. Summary of suggestions to modify proposed rules:**

One commentator asked to the Commission to reconsider its vision standard with respect to officer candidates with amblyopia.

After meeting with representatives of SOAHR during the formal review process, several areas of the rules were modified in order for the rules to comply with law. One rule projecting into the future was removed (R517); an adoption by reference was reworded (R202); two rules dealing with contested case options for the commission were revised (R604 & R605); and two of four rules in part 7 were removed as unnecessary duplication of the APA.

Part 3 of the rule set was removed from the draft rules and is to be amended and resubmitted under a new Request for Rulemaking at a later date.

**Name of person completing this report:**

Dale Rothenberger

**Date report completed:**

March 23, 2006

(SOAHR-JCAR June 2005)

THE GRAND RAPIDS PRESS

STATE OF MICHIGAN,  
COUNTY OF KENT } SS.

The Advertising Manager of THE GRAND RAPIDS, PRESS , a newspaper published and circulated in the County of Kent, being duly sworn, deposes and says that the following advertising was inserted.

**NOTICE OF PUBLIC HEARING**

**MICHIGAN DEPARTMENT OF STATE POLICE  
MICHIGAN COMMISSION ON LAW  
ENFORCEMENT STANDARDS**

ORR# 2004-1-- LAW ENFORCEMENT STANDARDS AND  
TRAINING ORR# 2004-2  
-- JUSTICE TRAINING FUND PROGRAMS ORR# 2004-053  
-- PUBLIC SAFETY OFFICERS BENEFIT PROGRAM

The Michigan Commission on Law Enforcement Standards will hold three public hearings to take comments on proposed revisions to the administrative rule sets entitled "Law Enforcement Standards and Training," "Justice Training Fund Programs," and "Public Safety Officers Benefit Program."

- Tuesday, August 9, 2005, from 10:00 a.m. to 12:00 p.m. at Lansing Community College - West Campus (Michigan Technical Education Center), 5708 Cornerstone Road (north off of Mt. Hope Road midway between Snow and Greyfs Roads), Lansing (Delta Twp.), Michigan.
- Wednesday, August 10, 2005, from 10:00 a.m. to 12:00 p.m. at the Best Western Alpine Lodge, 833 West Main Street, Gaylord, Michigan.
- Thursday, August 11, 2005, from 10:00 a.m. to 12:00 p.m., at Northern Michigan University, Jacobelli Center, Room 134, County Road 550 (off Wright Street), Marquette, Michigan.

Comments may also be made by writing to the Executive Director, Michigan Commission on Law Enforcement Standards, 7426 N. Canal Road, Lansing, Michigan 48913. Written comments must be postmarked no later than Friday August 12, 2005.

The rule set entitled "Law Enforcement Standards and Training" provides standards for the selection, employment, training, licensing, and revocation of law enforcement officers in Michigan. The rules are being revised to reflect statutory revisions to 1965 PA 203, as amended, Executive Reorganization Order 2001-2, and changes to practices and procedures of the Commission.

The rule set entitled "Justice Training Fund Programs" provides standards and procedures for the operation of the law enforcement distribution and competitive grant programs. The rules are being revised to reflect Executive Reorganization Order 2001-2 and changes to practices and procedures of the Commission.

The rule set entitled "Public Safety Officers Benefit Program" provides definitions, eligibility criteria, and operating procedures for administering the Public Safety Officers Benefit Program. The rules are being promulgated to comply with the requirements of the Public Safety Officers Benefit Program Act, 2004 PA 46.

The hearings are being conducted in compliance with the Administrative Procedures Act; 1969 PA 306, as amended, being MCL 24.201, et seq. The Commission has authority for the rule promulgation pursuant to 1965 PA 203, as amended, being MCL 28.601, et seq. and 1982 PA 302, as amended, being MCL 18.421, et seq., and 2004 PA 46, being MCL 28.631, et seq.

The proposed rules are published in the Michigan Register and may be viewed and printed from the World Wide Web at [www.michigan.org/orr](http://www.michigan.org/orr). Persons with disabilities who may need assistance to effectively participate in the hearing should call the Commission offices at (517) 322-1417, a week in advance of the hearing to request an accommodation.

11203894

July 17, 2005

*Stu S. Westphal*

Advertising Manager

Sworn and subscribed before me this 17<sup>th</sup>  
day of July 2005 A.D.

*onika T. Danko Stroutweicks*

NOTARY PUBLIC, KENT COUNTY, MI

My commission expires:

*July 27, 2005*



# The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION STATE OF MICHIGAN

## AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing  
Michigan Department of State Police  
Michigan Commission on Law Enforcement Standards  
ORR#2004-1 -- Law Enforcement Standards and Training  
ORR#2004-2 -- Justice Training Fund Programs  
ORR#2004-053 -- Public Safety Officers Benefit Program

Size: 2 x 8 = 16 inches

Cost: \$251.04

State of **MICHIGAN**, County of Marquette ss.

**JAMES A. REEVS**

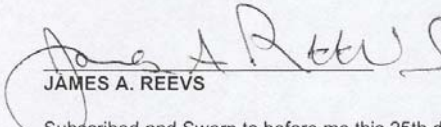
being duly sworn, says that he is

**PUBLISHER**


of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

July 24, 2005

  
**JAMES A. REEVS**

Subscribed and Sworn to before me this 25th day of July, 2005

  
**AMY L. BOND**

Notary Public for Marquette County, Michigan  
Acting in the County of Marquette  
My commission expires: July 3, 2007

## NOTICE OF PUBLIC HEARING

### MICHIGAN DEPARTMENT OF STATE POLICE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

ORR # 20044 -- LAW ENFORCEMENT STANDARDS AND TRAINING  
ORR # 2004-2 -- JUSTICE TRAINING FUND PROGRAMS  
ORR#2004-053 PUBLIC SAFETY OFFICERS BENEFIT PROGRAM

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County of Oakland } ss.  
STATE OF MICHIGAN, }

MELISSA HOFFMAN

being duly sworn,  
LEGAL REP.  
deposes and says that I am the ..... of  
THE OAKLAND PRESS, a newspaper printed and circulated  
daily in Oakland County, Michigan, and that I held such position  
during the publication of the notice hereto annexed; that a notice  
of .....

PUBLIC NOTICE

of which the annexed notice is a true copy, was published in the  
said OAKLAND PRESS .....

..... immediately preceding the  
..... that the annexed printed copy of said notice  
was taken from the said newspaper. That the dates of  
publication of said notice were..... July 17, 2005 .....

and further deponent sayeth not.  
.....

Subscribed and sworn to before me this..... 19..... day of  
..... July..... A.D. 2005 .....

.....  
NOTARY PUBLIC, OAKLAND COUNTY, MICHIGAN

TINA M. CROWN  
NOTARY PUBLIC LAPEER CO., MI  
MY COMMISSION EXPIRES Mar 30, 2008

acting in Oakland City

NOTICE OF PUBLIC HEARING

MICHIGAN DEPARTMENT OF STATE POLICE  
MICHIGAN COMMISSION OF LAW ENFORCEMENT STANDARDS

ORR # 2004-1 - LAW ENFORCEMENT STANDARDS AND TRAINING  
ORR # 2004-2 - JUSTICE TRAINING FUND PROGRAMS  
ORR # 2004-053 - PUBLIC SAFETY OFFICERS BENEFIT PROGRAM

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July 17, 2005